

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)	
)	
v.)	M.B.D. Case No.
)	
FERNANDO DEOLIVEIRA,)	
Defendant)	

**JOINT MOTION FOR ENDS-OF-JUSTICE CONTINUANCE OF TIME
FOR FILING AN INDICTMENT OR INFORMATION, AND
EXCLUSION OF TIME, UNDER THE SPEEDY TRIAL ACT**

The United States of America, by and through Assistant United States Attorney Timothy E. Moran, and the defendant through undersigned counsel, respectfully move this Court to grant a continuance of the time within which an indictment or information must be filed, and exclude the time period from June 5, 2019, through and including July 3, 2019, from the speedy trial clock, pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A), and Sections 5(b)(7)(B) and 5(c)(1)(A) of the *Plan for Prompt Disposition of Criminal Cases* for the United States District Court for the District of Massachusetts (effective December 2008), on the ground that the ends of justice served by granting the requested continuance and excluding these periods outweigh the best interests of the public and the defendant in a speedy trial. The parties further ask this Court to issue the attached proposed *Order of Continuance and Excludable Delay*. In support of this request, the parties state as follows:

1. The parties have been engaged in preliminary discussions regarding the possible resolution of this matter (which was initiated by a criminal complaint in *United States v. Fernando DeOliveira et al.*, Case No. 19-MJ-6291-MPK) that might result in a plea agreement and obviate the need for an indictment.

2. The requested exclusion of time will permit defense counsel to adequately confer with the defendant, and allow the parties to further discuss and finalize the terms of any agreement, before the government is required to seek an indictment. Such an agreement, in conjunction with a pre-indictment plea, may work to the defendant's benefit and would assist the government's ongoing investigation.

3. The parties agree that, if the requested time is excluded, the government has until July 3, 2019 to return an indictment in this case. No previous extensions have been requested.

4. The defendant is being held in custody on the basis of the complaint.

5. A proposed order is attached.

Respectfully submitted,

FERNANDO DEOLIVEIRA
By his attorney,

ANDREW E. LELLING
United States Attorney

/s/ John A. Amabile
JOHN A. AMABILE
Amabile & Burkly, P.C.
Counsel for Defendant

By: /s/ Timothy E. Moran
Timothy E. Moran
Michael J. Crowley
Assistant U.S. Attorneys

Certificate of Service

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants.

By: /s/ Timothy E. Moran
Timothy E. Moran
Assistant U.S. Attorney

Date: May 30, 2019

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DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA)	
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FERNANDO DEOLIVEIRA,)	
Defendant)	

ORDER OF CONTINUANCE AND EXCLUDABLE DELAY

Upon consideration of the parties' joint motion seeking an order of continuance and excludable delay, the Court finds as follows:

1. The parties have been engaged in preliminary discussions regarding the possible resolution of this matter (which was initiated by a criminal complaint in *United States v. Fernando DeOliveira et al.*, Case No. 19-MJ-6291-MPK), which might result in a plea agreement and obviate the need for an indictment, and the requested continuance of the time in which an indictment or information must be filed will permit defense counsel to adequately confer with the defendant and allow the parties to further discuss and finalize the terms of any agreement, before the government is required to seek an indictment or information. Such an agreement, in conjunction with a pre-indictment plea, may work to the defendant's benefit or assist the government's ongoing investigation.

3. Accordingly, the ends of justice served by granting the requested continuance, and excluding the time period from June 5, 2019 through and including July 3, 2019 from the speedy trial clock, outweigh the best interests of the public and the defendant in a speedy trial pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A), and Sections 5(b)(7)(B) and 5(c)(1)(A) of the *Plan for Prompt Disposition of Criminal Cases* for the United States District Court for the District of Massachusetts (effective December 2008).

Accordingly, the Court hereby grants the parties' joint motion and **ORDERS** that, pursuant to the Speedy Trial Act, 18 U.S.C. §§3161(h)(7)(A), and Sections 5(b)(7)(B) and 5(c)(1)(A) of the *Plan for Prompt Disposition of Criminal Cases*, (1) the date on which an indictment or information must be filed is continued to July 3, 2019; and (2) the period from June 5, 2019 through and including July 3, 2019 is excluded from the speedy trial clock and from the time within which an indictment or information must be filed.

UNITED STATES DISTRICT COURT JUDGE

DATE: